

DECEMBER 2007

| Campaign | |
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| Nancy L. Warren California political Treasurers Association Dated: December 6, 2007 File Number I-07-152 | <p>The California Political Treasurers Association requested clarification on contributor reporting requirements. Staff provided general advice on acceptable responses for a contributor's occupation, employer, name and address.</p> |
| Charles H. Bell, Jr. Bell, McAndrews & Hiltachk, LLP Dated: December 28, 2007 File Number I-07-180 | <p>The Commission has consistently advised that after an organization makes its first political contributions or expenditures totaling \$1,000 or more, the presumption stated at Regulation 18215(b)(1) - that the organization's donors do not have reason to know that their subsequent payments would be used to make contributions or expenditures - is negated.</p> |

| Conflicts of Interest | |
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| Commissioners Kurt Reinkens and Patrick Flora, Councilmember Barbara Green Dated: December 7, 2007 File Number I-07-157 | <p>Three local officials are advised that they do not have a conflict of interest in participating in a governmental decision involving a planning project, where each of their real properties is located more than 500 feet from the boundaries of the project, absent factors that would rebut the presumption that it is not reasonably foreseeable that their properties will be materially financially effected.</p> |
| G. Kevin Carruth California Dept. of Corrections & Rehabilitation Dated: December 20, 2007 File Number I-07-166 | <p>As a general matter, the Act's conflict of interest rules do not bar a consultant to the California Department of Corrections and Rehabilitation from accepting a private employment opportunity in addition to his public employment. The letter offers general guidance on conducting the case-by-case analysis used to determine whether a conflict of interest exists in a particular decision, which might disqualify the official from taking part in that particular decisionmaking process.</p> |
| Councilmember Lucille Kring Anaheim City Council Dated: December 6, 2007 File Number I-07-174 | <p>A city council member is advised that:</p> <p>(1) She will not have a conflict of interest in a governmental decision based on the execution of a real property lease where the leased property is located more than 500 feet from the boundaries of the property that is the subject of the decision, absent factors that would rebut the presumption that there will be no material financial effect on her property; and</p> <p>(2) She must make a good faith effort to assess the reasonably foreseeable financial effects of the decision on her economic interest in her business entity by using some reasonable and objective method of valuation of those effects in order to determine if they would be material.</p> |

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| Jack Hanson Lassen Bountty Board of Supervisors Dated: December 7, 2007 File Number A-07-178 | <p>A member of the Lassen County Board of Supervisors may not participate in board decisions regarding a proposed commercial wind energy project that calls for the placement of wind generators and transmission lines near his residence because some transmission lines will be located within 500 feet of his real property. The financial effect of these decisions is presumed to be material.</p> |
| Brian Oneto Amador County Board of Supervisors Dated: December 26, 2007 File Number A-07-181 | <p>A member of the Board of Supervisors who uses two semi-trailers for storage on his ranch, has a conflict of interest and may not participate in consideration of the county's sea/land container ordinance which may require property owners to cease using these containers for storage. The ordinance would affect the official's personal finances by \$250 in a 12-month period, because the official would have to relocate items stored in the semi-trailers, store them elsewhere, and remove the trailers. The letter discusses the public generally exception and the possibility of the official's selling or giving the trailers away.</p> |
| Mayor Ara Najarian and Councilmembers John Drayman, Frank Quintero, Dave Weaver, and Bob Yousefian City of Glendale Dated: December 3, 2007 File Number A-07-182 | <p>A councilmember nominated as a mayor may not participate in the debate and vote for mayor if there will be a personal financial effect of \$250 or more in a 12 month period. However, the disqualified councilmember may appear in the same manner as any other member of the general public before the city council in the course of its prescribed governmental function to represent his or her personal interest as long as the councilmember makes it clear that he or she is not acting in an official capacity.</p> |
| Lisa Wittke Schaffner Healdsburg City Council Dated: December 19, 2007 File Number A-07-188 | <p>Under the nexus conflict-of-interest test, a member of the Healdsburg City Council may not participate in government decisions regarding a proposed development project if a decision will have any reasonably foreseeable financial effect on the Sonoma County Alliance, of which the councilmember is executive director. The goals of the Sonoma County Alliance would overlap with the councilmember's decisionmaking authority as a city councilmember on issues involving the project. Because she receives income to achieve a goal or purpose that would be aided by the city council decisions, the nexus test applies.</p> |
| Kurt Reinkens; Patrick Flora; Barbara Green Town of Truckee Dated: December 7, 2007 File Number A-07-157 | <p>Three local officials are advised that they do not have a conflict of interest in participating in a governmental decision involving a planning project, where each of their real properties is located more than 500 feet from the boundaries of the project, absent factors that would rebut the presumption that it is not reasonably foreseeable that their properties will be materially financially effected.</p> |

| Gift | |
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| The Houston Group Dated: December 19, 2007 File Number A-07-185 | <p>Under the Act's gift provisions, a charter flight for state officials between the closest large commercial airport and a remote property the state agency may wish to acquire is not integral to the actual viewing of the property and not considered informational material. Accordingly, the value of the flight is a gift to the officials.</p> |

| Revolving Door | |
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| Mervin Tamai California Medical Assistance Commission Dated: December 10, 2007 File Number I-07-177 | <p>Should a designated employee of the California Medical Assistance Commission accept employment upon retiring from state service with a private trade organization, the Act's permanent and one-year bans will apply. For purposes of the one-year ban, the employee is considered a designated employee of the Governor's office and prohibited from appearing before or communicating with any state administrative agency subject to the direction and control of the Governor for the purpose of influencing certain actions or proceeding.</p> |
| Allen Benitez California Department of Justice Dated: December 28, 2007 File Number A-07-192 | <p>The Act's one-year ban, as applied to a former designated employee of the Department of Justice who was placed on medical leave and subsequently retired without resuming the duties of his position, expired one year from the date the employee was placed on medical leave. However, the employee's activities may still be restricted under the Act's permanent ban.</p> |
| Richard B. Shapiro California Horse Racing Board Dated: December 27, 2007 File Number I-07-194 | <p>General discussion of revolving door provisions as applied to a former employee of the California Horse Racing Board.</p> |

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Juanita G. Lira